

**MINUTES OF THE
MEDICAL LICENSING BOARD OF INDIANA**

**Meeting Held
January 27, 2005**

**9:00 A.M.
CONFERENCE CENTER ROOM C
INDIANA GOVERNMENT CENTER SOUTH
302 WEST WASHINGTON STREET
INDIANAPOLIS, INDIANA**

I. CALL TO ORDER

Dr. Krejsa called the meeting to order at 10:50 a.m. in Conference Center Room C, 302 West Washington Street, Indianapolis, Indiana and declared a quorum in accordance with IC § 25-22.5.

Members Present:

N. Stacy Lankford, M.D., Secretary
Richard Krejsa, D.O., President
Worthe Holt, M.D.
Bharat H. Barai, M.D., Vice-President
Barbara Malone, J.D., Consumer Member
Ralph Stewart, M.D.,
William H. Beeson, M.D.

Members Not Present:

Staff Present:

Angela Smith Jones, Board Director, Health Professions Bureau
Jeanette Roberts, Assistant Board Director, Health Professions Bureau
James Schmidt, Legal Counsel, Office of the Attorney General
Gordon White, Legal Counsel, Office of the Attorney General

II. ADOPTION/AMENDMENTS TO THE AGENDA

A motion was made and seconded to adopt the agenda as amended.

Lankford/Malone
Motion carried 4/0/0

III. ADOPTION/AMENDMENTS TO THE MINUTES of January 27, 2005

A motion was made and seconded to adopt the minutes of January 27, 2005.

Lankford/Malone
Motion carried 4/0/0

IV. PROBATIONARY APPEARANCES
(Before one member of the Board only)

The remaining physicians listed, appeared per their order and no other issues arose during the probationary appearance:

Deborah Provisor, M.D.
Glenn A. Ballengee, M.D.
Deborah A. Redd, M.D.
Kevin C. McCallum, M.D.
Stephen James Matthews, M.D.
Thomas C. Gellerson, M.D.
Jan Alan Mayer, M.D.
Andrew Wyant, M.D.

The following physicians did not appear before the Board per their probationary order:

Michael Johnson, M.D.
Janie Lou Jones, M.D.

V. PERSONAL APPEARANCES
Re: Initial Application

- A. Douglas Kwok Chan, M.D.:** Dr. Chan appeared before the Board to explain his unsatisfactory report during his residency training and subsequent dismissal. This occurred during his third year rotation. He stated that is residency director threatened to discipline him after his first day of training. She later spoke with him and told him that he was doing fine. Subsequently she disciplined him and dismissed him from the program for failure to know the details of the patient and their chart. He was also disciplined by another physician in the program. Dr. Chan stated that the program has been under scrutiny and may be unapproved at this time. He has not completed his third year of training. At this time, he is attempting to get into a 2nd year program because they will not let you start with the third year. He has been working as a pharmacist in the meantime.

The Board is reluctant to grant licensure due to his dismissal from the training program and this being a new school that the board has never heard of in the past. It is not an approved school. The Board offered him the opportunity to withdraw his application.

Dr. Chan withdrew his application.

- B. Adam B. Cline, D.C.** (applying for a Professional Acupuncture License): Dr. Cline answered yes to question number 5 on his acupuncture application. The arrest occurred when he was in undergrad at Ball State. He went to the Hemp Fest and consumed alcohol and had marijuana on his person. He pled guilty to the charges, was sentenced to one month in jail, he lost his driver's license and paid a steep fine. Dr. Cline recently received an addictionologist evaluation from Dr. Timothy Kelly. Dr.

Kelly recommends that he go for treatment as his roommates are users. Dr. Cline is working on getting into the outpatient intensive program at Wabash County Hospital.

A motion was made to grant Dr. Cline the acupuncture license contingent upon signing a contract with ISMA.

Holt/ Krejsa

Friendly amendment was offered by Dr. Stewart to have the license placed on indefinite probation, come see the Board every 6 months, Dr. Cline cannot apply for modification of probation for 2 years, and he is to have a report from his addictionologist submitted to the Board every 3 months.

Dr. Holt and Dr. Krejsa accept the amendment.
Motion carried 5/0/0

- C. Gary L. Cornette, D.O.:** Dr. Cornette appeared before the Board because he answered yes to 5(b) and 8. He had a case in 1989 when he was on call for emergency medicine and a teenage mother came into the ER. He described the details of the case to the Board and explained that the case settled for \$5,000. In 1996 he settled a matter which occurred in 1993. He was also arrested for DUI in 1996. Following a Kansas City Chiefs rally he was pulled over during a routine traffic stop while on his way home. He has never been evaluated for alcohol or substance abuse problems. He does have one or two glasses of red wine several times per week per the prescription of his cardiologist.

Dr. Cornette was also charged with criminal trespassing when he was riding his mountain bike in a closed portion of the Tonto National Forest in Arizona. He did not have to pay the fine because he was able to show that there was no sign indicating that the path was closed.

The board would like him to get an addictionology evaluation with report forwarded to the Board.

A motion was made to approve the license pending the receipt of a favorable addictionology evaluation.

Lankford/Barai
Motion carried 4/0/0

- D. Colin William Elliott, M.D. (Renewal):** Dr. Elliott answered yes to question 5 regarding denial of staff privileges. The hospital asked him to get a psychiatric evaluation which he did obtain, but did not provide copies of that to the Board. He wants to work in South Bend, IN and part time in Michigan. The board would like to see his psych evaluation.

A motion was made to table the renewal until such time as he can produce documentation from his psychiatrist. He is to reappear before the Board in February.

Holt/Barai
Motion carried 6/0/0

- E. Frances K. Pamela, M.D.:** Dr. Pamela answered yes to question 8 regarding malpractice. He explained the details of the malpractice case for the Board. The case settled \$750,000 in 1996.

A motion was made to grant licensure.

Barai/Lankford
Motion carried 5/0/0

- F. Fred Picklesimer, Jr., M.D.:** He answered yes on his application for licensure. He was a resident in pathology in Alabama and he has a long history of alcohol abuse and was finally intervened upon during his residency. He went to treatment in Mississippi. The residency program allowed him to go back to work and he relapsed. In 1994, he was told that the program would not renew his contract; however he was allowed to finish his 3rd year of residency training. He remained in denial about his alcoholism and even after a positive urine screen, decided to resign rather than admit his addiction. He did get another position in pathology once he went to Florida. He went to Talbott for 6 months and subsequently went back to the Alabama board and had his license reinstated. His history of alcoholism started in 1989 when he was first picked up for a DUI. His driver's license was revoked for 4 years after his two DUI convictions in North Carolina. His sobriety date is 9/1996. He has joined recovery programs for several years in KY, PA, FL and AL. He has been compliant with his aftercare programs for 10 years. He did not need to appear before the Kentucky Board, but was monitored by Dr. Brady for one year. He currently lives in Lexington.

A motion was made to grant licensure.

Malone/Lankford
Motion carried 4/0/0

- G. Robert C. Richards, M.D.:** Dr. Richards answered yes to questions 3, 5(a), 5(b), 6 and 8. He is in active recovery. He did have serious health issues, but in conjunction with his family issues and stresses, he began to use the Hydrocodone for emotional reasons. He began treating his family and did not keep records. He also took their prescriptions for his own personal use. He was confronted and entered into treatment and has been in on-going treatment and care for about 2 years. He also explained the malpractice case to the Board. The issues of the suspension of his license revolve around his issues with the HMO in Utah. HHS has him listed as a felon due to a plea of abeyance as a guilty plea. Although the plea of abeyance has been expunged, HHS still has him listed. Office of Inspector General (OIG) still has him listed as a felon as well.

The felony charge was based upon failure to keep records when he prescribed to his family. The plea was to run for 2 years with the state of Utah. The issue with the OIG is not a Utah issue, nor a DEA issue. This is very confusing.

He has hospital privileges but cannot physically go into the hospital. He presented a letter to the Board from the Utah state recovery program indicating

that he is compliant. The Board wants a letter from the hospital indicating that he has hospital privileges. They want to see his most recent psychiatric evaluation and a copy of the confidential agreement. Dr. Richards explained that he has a job offer in Bloomington, IN and it is looking forward to coming here.

A motion was made to table his license until he provides the information to the board per their request—a recent psychiatric evaluation to address his paranoia and grandiosity, and a letter from the hospital that his privileges were reinstated.

The Board will consider issuing the license on Probation, indefinitely, without opportunity to modify for at least 3 years, a signed ISMA contract, and a psychiatric evaluation pending receipt of the requested documentation.

Malone/Krejsa
Motion carried 6/0/0

Later in the day Dr. Richards presented faxes to the board. One fax was from the Utah Board regarding his recovery and one from Michael J. Crookston, M.D.

- Indefinite probation
- ISMA Contract
- Quarterly Bd. Appearances
- Psychiatric evaluation within next 3 months, with follow-up visits and reports to come to the Board every 6 months unless stopped by the psychiatrist
- No modification of terms for 3 years
- A log of controlled substance prescriptions written with initials of patient with the diagnosis and quantity of prescriptions.

A motion was made to grant a probationary license under the abovementioned terms.

Lankford/Barai
Motion carried 5/0/0

H. William Roberts, M.D.: Dr. Roberts did not appear before the Board.

I. Bhanukumar Shah, M.D.: Dr. Shah answered yes to questions 6 and 8. He explained that his hospital privileges at Deaconess Hospital in Cincinnati were revoked. He did a thyroid procedure and the patient complained of leg pain, several complications arose and she died three weeks later. This case was referred to the review panel and the hospital revoked his privileges for thyroid surgeries and head and neck procedures. He currently has head and neck privileges at other hospitals.

He described his malpractice cases for the Board. The first case settled for \$62,000. The second case settled for \$80,000 and the third case he won.

A motion was made to grant licensure.

Barai/Stewart
Motion carried 6/0/0

- J. Rebecca J. Sutton, M.D.:** Dr. Sutton answered yes to question #6. She answered yes to the question on her license application that she had been treated for a mental health problem. She actually was only taking Paxil for test anxiety. She was then asked by Kentucky to enter into 5 year agreement. She does not smoke or drink. Dr. Barai asks for a copy of the consent agreement that she has with Kentucky. She had the 5 year contract reduced and had the agreement lifted early. Barai also would like her to provide a copy of the order lifting her probation. She was placed on a precautionary suspension at Baptist Hospital in 2003. There were issues that came up regarding 5 different patients. She described each patient incident. (She was asked by a patient's family to increase a dying patient's morphine. She did, but another doctor changed the dosage and she died later. They thought that she prescribed too high of dose, but then the other doctor prescribed even more.) She was placed on a corrective action plan by Baptist Hospital East. She completed all elements of the plan except for the proctoring aspect as she asked for a leave of absence.

She claims this is all due to political issues. She later made a comment about a surgeon at work to a nurse and she was referred to an anger management control program by Dr. Brady. This was the second time she was referred to Dr. Brady. He referred her to a psychologist. She was diagnosed with adjustment disorder. She was asked to work the night call every three days and did not want to do so, so on 5/28/2004 she was fired. Her hospital privileges were suspended for 10 days and then the independent group fired her. She was offered her job back with the group. She has been in practice for 2 ½ years. She resigned from Norton's hospital because there were contract disputes.

She is currently working with a group in LaGrange, Kentucky and is covered by the group insurance. She has been on leave of absence from Baptist due to lack of malpractice insurance. She wants to get an Indiana license in order to moonlight and work at a hospitalist group. There is nothing pending at this moment.

Dr. Barai wants to table the application pending receipt of letter from the Kentucky Board, the agreement she signed originally and the documentation lifting the terms of care issues. He also wants to see a letter from Baptist hospital outlining quality issue.

A motion was made to table the application.

Barai/Krejsa
Motion carried 6/0/0

VI. ADMINISTRATIVE HEARINGS

A. STEVEN E. ROSS, M.D. (CONTINUED)

Cause No.: 2004 MLB 0022

Re: Hearing – Final Hearing/Settlement Presentation

B. VINOD GOYAL, M.D.

Cause No.: 2004 MLB 0033

Re: Appeal of Denial of Licensure

Parties and Counsel Present:

Respondent is presented by counsel John Sharpe

Participating Board Members:

Dr. Stewart (hearing officer)

Ms. Malone

Dr. Krejsa

Dr. Holt

Dr. Lankford

Dr. Barai

Dr. Beeson

Witnesses: Dr. Goyal

Case Summary: This hearing is based upon denial of licensure. He was denied licensure for answering yes to several questions on his application for licensure. Dr. Goyal presented his case to the Board. He has been practicing OB/GYN for over 30 years in Illinois. He is licensed in Illinois, Michigan and Wisconsin.

He was denied staff privileges when several years ago his privileges were non-renewed. He had not been sufficiently active to meet the volume criteria at two facilities. He did not challenge the non-renewal actions as he did not anticipate using their facilities in the future. He tried to contact Good Shepard for a letter, but they do not have records on him; however he does have privileges at several other hospitals in Illinois.

Petitioner's Exhibits: A-G were admitted.

He also answered yes to the question regarding disciplinary action taken by a state Board. The Illinois Board did discipline his license several years ago. The first was in 1992-1993 and his staff misquoted his fees. A complaint was made to the Illinois Board and he paid a fine to settle the matter. (See ex. D) the second action dealt with a landlord tenant dispute with the building landlord where his offices are. In 1997 in order to resolve the landlord tenant issue he agreed to be fined by the Illinois Board. Dr. Goyal explained his malpractice history.

Petitioner's Exhibit H: Letter from Good Shepard

He wants to come here due to the malpractice premiums in Illinois. Malpractice is to increase another 45% this July or November. He pays \$48,000 for a part time practice of doing only gynecology. If he did OB it would be \$150,000 per year.

Board Action: A motion was made to grant licensure.

Krejsa/Barai
Motion carried 7/0/0

C. PHILIP A. BOREN, M.D. (CONTINUED)

Cause No.: 2004 MLB 0019

Re: Final Hearing/Settlement Presentation

D. ABDULHASSIB RASLAN, M.D.

Cause No.: 2004 MLB 0037

Re: Final Hearing

Parties and Counsel Present:

James Holden is counsel for the State of Indiana.

Respondent was not present nor was counsel present on behalf of respondent.

Participating Board Members:

Dr. Holt (hearing officer)

Ms. Malone

Dr. Krejsa

Dr. Lankford

Dr. Barai

Dr. Stewart

Dr. Beeson

Witnesses: None

Case Summary: Respondent's Ohio license was permanently revoked after the Ohio Board conducted an investigation of Dr. Raslan's OB/GYN practice. Ohio found that in several instances Dr. Raslan's treatment and care fell below the minimal standard of care when he failed to transfer several patients from a level 1 facility to a tertiary facility; when he used low forceps to deliver a baby with no indications for their use; when he tried to deliver an infant vaginally via high station Mityvac delivery when the patient's cervix was not completely dilated; and when he, among other things, inappropriately began an operative delivery when further observation of the patient was indicated.

The Board received a letter from Ms. Raslan indicating that Dr. Raslan does not live at their address nor does he receive mail at that address. However, the Respondent wrote the State and indicated that the address being utilized is his address of record in the U.S. and he is out of the country and does not intend to return to defend this matter.

The state asked the board to issue a notice of proposed default.

Board Action: A motion was made to issue a notice of proposed default.

Stewart/Barai

Motion carried 7/0/0

E. DAVID VINCENT FISCHER, M.D.

Cause no.: 2004 MLB 0013

Re: Preliminary Hearing – Extension of Summary Suspension

Parties and Counsel Present:

Sara Matticks was counsel for the State of Indiana.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Barai (hearing officer)

Dr. Krejsa

Dr. Stewart

Dr. Beeson

Dr. Lankford

Ms. Malone

Witnesses:

None.

Case Summary: Dr. Fischer is currently facing a 41 count federal indictment, which was originally sealed when it came out on April 2, 2004. A couple of employees notified the authorities and lodged complaints against Dr. Fischer. Currently, there are several charges pending against Dr. Fischer and an ongoing investigation. One of the charges filed against Dr. Fischer is submitting false information to a federal program. On April 15th, 2004, the indictment was unsealed and the Federal magistrate released him so he could go back to the practice of medicine. He did voluntarily surrender his DEA license.

Dr. Fischer has pled guilty to several drug related charges and the state is awaiting the order. His sentencing date was set for February, 2005. The state requested the board to renew the summary suspension for an additional 90 days.

Board Action: A motion was made to continue the summary suspension for an additional 90 days.

Lankford/Stewart
Motion carried 70/0

F. JERRY A. REYES, M.D. (CONTINUED)

Cause No.: 2002 MLB 0026

Re: Final Hearing - Settlement Presentation

G. MAURO AGNELNERI, M.D. (CONTINUED)

Cause No.: 2004 MLB 0005

Re: Preliminary/Final Hearing

H. JACK KEVIN ROLL, M.D.

Cause No.: 2004 MLB 0011

Re: Preliminary Hearing – Extension Summary Suspension

Parties and Counsel Present:

Sara Matticks is counsel for the State of Indiana.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Stewart (hearing officer)
Ms. Malone
Dr. Krejsa
Dr. Holt
Dr. Lankford
Dr. Barai
Dr. Beeson

Witnesses: None.

Case Summary: In March 2004, Dr. Roll took a lethal dose of Klonopin. He was revived and Dr. Bowling evaluated him for psychiatric care. Dr. Bowling recommended that Dr. Roll be admitted for psychiatric care. On March 12, 2004, Dr. Bowling petitioned for the committal of Dr. Roll. After a hearing on the matter, Dr. Roll was committed to Deaconess Hospital.

The State requested the board renew the Summary Suspension. She spoke with his counsel and they are planning on withdrawing from the case. Dr. Roll spoke with Ms. Matticks yesterday and he does not object to the continuance of the summary suspension.

Board Action: A motion was made to extend the summary suspension an additional 90 days.

Krejsa/Holt
Motion carried 7/0/0

I. MARK ALAN HAYES, M.D.

Cause No.: 2004 MLB 0007

Re: Preliminary Hearing – Extension of Summary Suspension

Parties and Counsel Present:

Jim Holden is counsel for the State of Indiana.
Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Lankford (hearing officer)
Dr. Krejsa
Dr. Barai
Dr. Stewart
Dr. Beeson
Ms. Malone

Witnesses: None.

Case Summary: The Board took official judicial notice of its file in this matter. The matter of the hearing is related to his disappearance and failure to make arrangements for any of his patients to receive treatment or their records. He has

been evicted from his office space in Martinsville. The landlord has not been able to locate any medical records and Respondent has not notified his patients of his new whereabouts. The State explained their attempts at notice. Service was made by overnight mail to the address of record and the state telephoned Dr. Hayes at the last known telephone number.

Respondent's criminal trial has been rescheduled until May of 2005. The State requested an additional 90 day suspension.

Board Action: A motion was made to extend the summary suspension an additional 90 days.

Stewart/Malone
Motion carried 7/0/0

J. MARK STEVEN WEINBERGER, M.D.

Cause no.: 2004 MLB 0035

Re: Preliminary Hearing – Extension of Summary Suspension

Parties and Counsel Present:

Jim Holden is counsel for the State of Indiana.

Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Dr. Beeson (hearing officer)

Ms. Malone

Dr. Krejsa

Dr. Holt

Dr. Lankford

Dr. Barai

Dr. Stewart

Witnesses: None.

Case Summary: The State referred to the administrative code 844 IAC 5-2-16 (b) and stated that Respondent has abandoned his patients. Respondent went to Greece on a family vacation and has not returned as of yet. He has not notified any patients of the discontinuance of his practice either by newspaper publication or by written letter to each patient. No one has received any notice. His business and his patients were left to flounder.

A receiver was appointed by the court to take over his practice; however the doctor has made no allowances.

State's Exhibit 1: A copy of the Agreed Order for the Appointment of Receiver

State's Exhibit 2: Post-Tribune article from October 9, 2004

The State surmised that Dr. Weinberger must be trying to escape something as he has abandoned everything. The state explained that granting this summary

suspension will assist the Office of the Attorney General in continuing the investigation.

Mr. Holden requested that the medical license of Dr. Wienberger be summarily suspended for an additional 90 days.

Board Action: A motion was made to extend the summary suspension an additional 90 days.

Barai/Holt
Motion carried 7/0/0

K. MICHAEL SETH MILLER, D.O. (CONTINUED)

Cause No.: 2004 MLB 0030
Re: Final Hearing

L. SILVERRENE ROUNDTREE, M.D.

Cause No.: 2004 MLB 0031
Re: Final Hearing

Parties and Counsel Present:

James Holden is counsel for the State of Indiana.
Respondent is not present nor is counsel present on Respondent's behalf.

Participating Board Members:

Ms. Malone (hearing officer)
Dr. Krejsa
Dr. Holt
Dr. Lankford
Dr. Barai
Dr. Beeson
Dr. Stewart

Witnesses: None.

Case Summary: On November 2, 1998, Respondent's Virginia medical license was revoked by the Virginia Board following disciplinary hearings. The Virginia Board found that Dr. Roundtree provided improper and ineffective care in treating several of her HIV/AIDS patients. She also prescribed and or administered large doses of methadone to a patient that Respondent knew or should have known was drug dependent for \$1000.00 cash. Respondent closed her Virginia Beach office without properly notifying her patients, among other charges. Subsequently, on April 19, 2000, Respondent's Maryland medical license was revoked by the Maryland Board based upon the Virginia Board action.

Proof that notice was received by Dr. Roundtree is in the file. Dr. Roundtree's name was called in and about the premises three times with no answer.

The state requested the Board issue a notice of proposed default.

Board Action: A motion was made to issue a notice of proposed default.

Stewart/Barai
Motion carried 7/0/0

VII. PRE-HEARING CONFERENCES

The Pre-hearing conferences were held before one member of the Board.

VIII. ACTIONS ON ADMINISTRATIVE LAW JUDGE ORDERS:

A. Thomas Gill, M.D.
Cause No.: 94 MLB 0034

A motion was made to affirm the ALJ proposed order.

Krejsa/Malone
Motion carried 7/0/0

IX. DISCUSSION ITEMS:

- a) Robert Mitrione, M.D.
Re: Order to Show Cause

The board decided not to take any action at this time since he is incarcerated and unable to harm the public.

- b) Mary Laxa, M.D.
Re: Request for Waiver

A motion was made to deny her request for a waiver.

Holt/Krejsa
Motion carried 7/0/0

- c) Election of Officers of the Medical Licensing Board
Re: President: Bharat H. Barai, M.D.

Vice-President: N. Stacy Lankford, M.D.

Secretary: Worthe Holt, Jr., M.D.

Board Designee: William H. Beeson, M.D.

CSAC Representative: Ralph Stewart, M.D.

A motion was made to accept the nominated slate.

Lankford/Stewart
Motion carried 7/0/0

- d) Pain Management
Re: Proposed Rule Language

A motion was made to proceed and set the final rule hearing on the rules as presented to the Board.

Stewart/Lankford
Motion carried 7/0/0

- e) Professional Incompetence
Re: LSA #04-325 Proposed Rule Language

A motion was made to proceed with the promulgation process of the rules as amended.

Beeson/Stewart
Motion carried 7/0/0

- f) Indiana Academy of Family Physicians
Re: Correspondence and Request for Personal Appearance

The Board will address the list and update it. Please invite them to come in February for a presentation and a panel discussion.

Holt/Lankford
Motion carried 7/0/0

X. PERMIT/LICENSURE APPLICATIONS

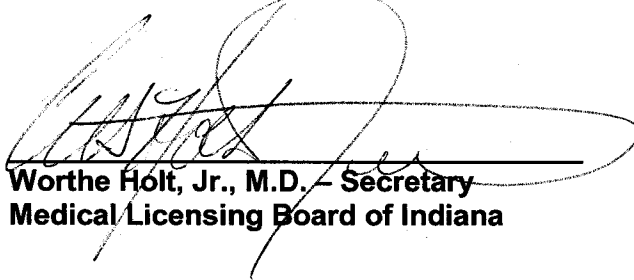
A motion was made and seconded to approve all recommendations and decisions made by the Board members on applications for licensure that were reviewed throughout the Board meeting and at any other time since the last Board meeting.

Krejsa/Stewart
Motion carried 4/0/0

XI. ADJOURNMENT:

There being no further business and having completed its duties, the meeting of the Medical Licensing Board of Indiana adjourned at 6:00 p.m.

Bharat Barai, M.D. – President
Medical Licensing Board of Indiana



Worthe Holt, Jr., M.D. – Secretary
Medical Licensing Board of Indiana

Date

2-24-05

Date